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Deposited in DRO:

25 May 2010

Version of attached file:

Accepted Version

Peer-review status of attached file:

Peer-reviewed

Citation for published item:

Phoenix, J. (2009) 'Whose account counts ? politics and research in youth justice.', in Youth justice handbook : theory, policy and practice. Collumpton, Devon: Willan Publishing, pp. 73-82.

Further information on publisher's website:

<http://www.willanpublishing.co.uk/cgi-bin/indexer?product=9781843927174>

Publisher's copyright statement:

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1/1/2009

Whose account counts?

Research in Youth Justice

Jo Phoenix

Whose account counts?

Research in Youth Justice

This chapter is about how, since the late 1990s, UK governmental priorities and objectives have structured a particular relationship between knowledge production (i.e. research) and professional practice such that youth justice research and practice now serve the demands of policy, rather than informing policy choices. In order to contextualise this discussion, the chapter starts by recounting an abridged history of the relationship between governmental objectives, policy, practice and research during the 1980s. The basic argument is that whereas academic inquiry and knowledge production continue to exist outside the realm of government (and governmental objectives, policy) and are not necessarily linked to the development of professional practice, research within these realms is increasingly *utilitarian* and *instrumental* in character. Simply, ‘official’ research on youth justice (i.e. that which is funded and/or consumed by government or governmental organisations) in that it is used to legitimate the direction and effect of successive political interventions into the field of professional practice. In examining the political conditions in which youth justice knowledge is produced and consumed (or not) by central government, this chapter also provides a critique of the way in which New Labour has steered the research-practice-policy relationship. As will be argued, ‘official’ research on young lawbreakers and youth justice is narrowly focused and excludes questions outside the framework of specific policy or practice innovations, just as youth justice practice is increasingly ‘disciplined’ by the dictates of these claims to knowledge that underpin policy via the mechanism of national standards, performance targets and guidance on effective practice.

Shifting histories in the research-practice-policy relationship

In relation to adult and youth justice, the 1980s marked a watershed in the UK. The rhetoric of successive Conservative governments regarding adult offenders eschewed research and knowledge production in favour of a more or less ‘common sense’ approach. Michael Howard’s oft quoted line that “Prison works. It ensures that we are protected from murderers, muggers and rapists, and it makes many who are tempted to commit crime think twice” (Howard, 1993) exemplified the belligerent public stance of the then Conservative government. It rejected any pretence of fashioning a set of adult criminal justice and penal policies on any specialised, academic or research knowledge in favour of a simplified punitive approach of retributive, selective incapacitation justified by a series of assumptions drawn from literature and commentary from a neo-classicist tradition. In brief, writers such as Wilson (1975) Gottfredson and Hirschi (1986) and Murray (1990) all claimed that the previous generations of research that situated youthful and adult lawbreaking as at least in part determined by social environment, social ecology or specific economic, political, ideology and social conditions were misguided. As proof, they pointed to the dramatic increases in official and recorded crime rates in the USA and UK which occurred even whilst there were dramatic increases in the standards of living from the 1950s – 1970s in those countries. According to these writers, offending was a result of rational choice, the loss of self control, the decline in moral standards of a society and/or the simple fact that “wicked people exist”. With that, politicians and policy makers were at liberty to ignore generations of social and psychological research that carefully traced the connections between individuals’ social context and the distribution and variation of lawbreaking *and* criminalisation.

Despite this harsh public rhetoric about adults and away from the public gaze, youth justice during the 1980s bore witness to what future commentators might come to call a momentary historical anomaly (Hendricks 2005): a decade in which practitioners, professionals, academics and government worked together to create progressive practices and policies in England and Wales for young people in conflict with the law. In real terms the period from 1982 – 1992 saw a set of penal practices and policies for young people in conflict with the law which were marked by minimum necessary state intervention

and community supervisions that operated as *alternatives* to custody (Goldson 1997) and that all had the effect of dramatically reducing the numbers of young people in the system and/or in state custody. These policies had their origins in the radical and critical scholarship of the 1960s and 1970s which argued for radical non-intervention (see Empey 1982, Muncie and Wilson 2004) on the basis that youthful lawbreaking was ‘normal’ (cf Matza); that all empirical evidence indicated that young people ‘grew out of crime’; and that official state reactions and responses to crime does not stop crime, but rather consolidates a ‘deviant’ identity (cf Schur 1973 and labelling theory). These scholars also demonstrated how processes of differential criminalisation lead to specific populations of young people (usually those already excluded and marginalised) being targetted for criminal justice interventions, the result of which often acted to further their marginalisation and exclusion. Indeed, it was this understanding of youthful lawbreaking that underpinned the the Labour Party’s (1964) report *Crime: A Challenge to Us All*, in which it was claimed that it is only the misdeeds of working class young people that come to the attention of the criminal justice system, that criminal prosecution was not necessary for relatively low level offences and that children committing more serious offences were in need of guidance and help, rather than prosecution. As Hendricks (2005) suggests, the period 1982-1992 is most likely explained not as a result of policy makers and politicians ‘listening’ to research of the previous generations, but rather as little more than a happy coincidence or confluence of interests. In a context in which public spending on youth custody and justice interventions was escalating beyond control, a means to achieve one of the key objectives of Thatcherism (i.e. reduction of public expenditure) was to support the decarcerative and decriminalising impulses of professionals and researchers. But, as Hendricks (2005) and Pitts (2001) also argue, this period of progressive policy and practice came to sad end with the murder in 1993 of the toddler James Bulger by John Venables and Robert Thompson, both 10 years old. At that point, the same ‘common sense’ and punitive logic that framed adult penal policies (zero tolerance, incapacitation and so on) came to dominant the call for something ‘to be done’ about youth crime. The point of this short history is not to tell a tale of the demise of progressive policies and work with young people, but rather to highlight how little research has mattered in the shaping of youth penal and justice policies and practices in the recent past. As exemplified by the key moments of change, youth justice research did not shift or

drive a different policy or practice agenda, although the lessons and messages of research may well have been used by politicians, policy makers and professionals in their calls to do things differently and so on. There is, however, one notable exception: *Misspent Youth* (Audit Commission 1996) formed the basis of the then landmark Crime and Disorder Act 1998. It made two claims: that a quarter of all crimes were committed by young people and that youth crime cost the public £1 billion per annum. Ignoring the *research* which justified the progressive youth justice practices of the 1980s, *Misspent Youth* drew on the same sort of *political logic* that underpinned support for those practices i.e. cost effectiveness, efficiency, value for money. Ironically then, the same logic which permitted progressive practice also underpinned its opposite: massive system expansion, recriminalisation and increasing levels of incarceration of younger and younger young people for relatively less serious offences (Goldson, Morgan).

Evidence-based policy and evidence-based practice or policy-based evidence and policy-driven practice?

Since then much has changed – especially in relation to the place of research in youth justice policy and practice. One of the key strategies in New Labour’s modernising agenda was ‘evidence-based policy’ which claimed to radically reconceive the relationship between knowledge production, policy and practice. Instead of policies based on old political ideologies and dogma, New Labour claimed to be a ‘thinking government’ in which policy would frame practice and both would be based on evidence of ‘what works’. The Modernising Government White Paper (1999) put forward the new formula for policy making:

'... policy decisions should be based on sound evidence. The raw ingredient of evidence is information. Good quality policy making depends on high quality information, derived from a variety of sources - expert knowledge; existing domestic and international research; existing statistics; stakeholder consultation; evaluation of previous policies ...' (Cabinet Office, 1999, p. 31).

Such was the centrality of this formula that when addressing the main independent funding organisation of social research in the UK, the Economic and Social Research Council, Blunkett declaimed that:

This Government has given a clear commitment that we will be guided not by dogma but by an open-minded approach to understanding what works and why. This is central to our agenda for modernising government: using information and knowledge much more effectively and creatively at the heart of policy making and policy delivery. (David Blunkett, 2 February 2002, Speech to the ESRC)

The task for researchers was simple.

It is also a question of improving the focus, relevance and timeliness of research, making it more accessible and intelligible to users, ensuring the research funding processes encourage this, and breaking down the barriers of mutual suspicion between social researchers and those in government. Many feel that too much social science research is inward-looking, too piecemeal, rather than helping to build knowledge in a cumulative way, and fails to focus on the key issues of concern to policy-makers, practitioners and the public, especially parents. (Blunkett 2000)

Noting that there are a variety of evidence-based policy models, others since have claimed the version of evidence-based policy adopted by New Labour is an instrumentality rationality model in which policy makers seek merely to *manage* the economic and social realms in a more or less mechanistic way (Sanderson 2002): a position which, as a form of government, has been critiqued as being “the policy sciences of tyranny” (Dryzek 1989:98) and technocratic policy making (Laswell 1951) and which relies on a strong central state, commanding and controlling, auditing, inspecting and monitoring (Walls 2007). In relation to youth justice, evidence-based policy translated into a ‘what works’ approach to interventions. As Stephenson, Giller and Brown write: “The headline message from government is that ‘what matters is what works’ and that practice should be derived from the latest and most reliable research findings” (Stephenson, Giller and Brown 2008:1). In practice, these research findings are the mass of evaluation studies that are now conducted on every conceivable officially sanctioned practice and policy development with young people in conflict with the law.

Hence, the last decade has seen a massive expansion of Home Office and Youth Justice Board research in order to create knowledge where, so the official story goes, none existed (i.e. as though the previous

generations of social and psychological research simply did not exist). Witness, 164 Home Office Research Studies were published in the three decades between 1969-1996. In comparison, 503 were published in the decade of 1997 – 2007. Making up this figure were 154 Home Office Research Studies, an additional 236 research studies published as online only publications and 113 specialist youth justice research publications currently available through the Youth Justice Board. By any account this is a tremendous outpouring of ‘research’. And yet, despite this productivity in research, there is the troubling empirical reality that regardless of the claims of that research to have established ‘what work’, the numbers of those coming into the system continue to rise as do the numbers of those being incarcerated. As noted by Carlen in relation to adult prisons, much of this youth justice ‘research’ has become a:

..lucrative and staple source of financing for many newcomers into the prison industry, who appear not to be at all unwilling to legitimate the use of imprisonment by reference to the ‘effectiveness’ of their ‘programmes’ in reducing crime. The verity of the ‘programmers’ claim to ‘success’ are often ‘proven’ by dubious self-report questionnaire evidence from prisoners that a programme ‘works’ – usually in terms of changing prisoners’ understanding of their offending behaviour. (Indeed in view of all these ‘programmers’ and ‘counsellors’ claiming to have found the philosopher’s stone in relation to changing offending behaviour, it is truly amazing that the prisons have not been emptied by now!) (Carlen 2002:120).

What Carlen is pointing to is that the ‘research’ that has been produced in the last decade has (i) not necessarily been framed by the sort of social understandings, theoretical frameworks or methodological demands of social research that show the messiness and complexity of evaluating any particular practice or policy (Pawson and Tilley 1997); (ii) that research on justice has become an industry *which generates its own demand and then supplies it*; and more importantly, (iii) that ‘what works’ research, by definition, cannot challenge its own terms of reference. Whilst Carlen was discussing adult prison policy and research, the same applies to youth justice. ‘What works’ research into youth justice interventions are by definition incapable of calling into question their own terms of reference. In other words, the one piece of ‘evidence’ that policy makers cannot collect, the one question that ‘what works’ research into youth justice practice and policy cannot ask is arguably the most fundamental question: Are *justice* interventions in *young* people’s lives desirable? Instead, youth justice practitioners and policy makers are treated to an almost endless stream of research demonstrating inter alia, the technocratic efficacy of the various

practice and policy developments to date. So for instance, research indicates that Bail Support and Supervision Schemes have a “significant impact in ensuring that young people attend court” (National Evaluation of Bail Supervision and Support YJB 2002?), and that the assessment tool ASSET demonstrates a relatively high level of reliability and validity in identifying factors likely to increase a young person’s risk of re-offending (Baker et al 2003). Alternatively, research consumers are informed that ‘effective strategies’ for addressing anti-social behaviour among young people are complex and that practitioners’ view of anti-social behaviour measures depends on whether they view their role as enabling change in the young people or supporting community protection from young people’s misdeeds (YJB 2006). Taking a broader view, YJB research indicates that: despite their controversy, parenting orders do have a role, if only to reach the vulnerable or needy parents of young lawbreakers who might never come forward for support in their parenting (YJB, positive parenting). Or, in relation to persistent offenders, practitioners are often ill-equipped to conduct proper assessments, that interventions seem to have little rationale and that any interventions put in place should be targeted to specific needs / risks and be implemented earlier (YJB Persistent offenders). More specifically still, research confirms that cognitive behaviour programmes seem to reduce re-offending rates in the short term (YJB CBT) and that regardless of the relatively high re-offending rates, mentoring schemes acted to increase young people’s self-confidence (mentoring schemes). The question, here, is not whether the research is credible: such interventions as parenting order, cbt programmes, mentoring schemes, acceptable behaviour contracts, anti-social behaviour orders are most probably benign and capable of producing the effects that the research indicates. The point I am making is that such a programme of official research cannot deal with the janus-like contradiction between: (i) on the one hand the seemingly positive impact that involvement with youth justice workers has on young people (as evidenced in the official research); (ii) and on the other hand tremendously damaging impact that it can also have (as evidenced in massive system expansionism, up-tariffing, high rates of child incarceration with all the attendant issues of bullying, self-harming, mental health difficulties, attempted suicides, questions over the use of restraint in custodial settings, the disproportionately high rates of dual heritage boys, children with mental health issues and/of learning difficulties coming into the system, of what this means in relation to England and Wales capacity to

protect and ensure the rights of children). Nor is such a research programme capable of questioning whether criminal justice systems are the appropriate place to be addressing issues such as education (persistent offenders YJB, cbt YJB, , parenting (parenting) self-confidence building (mentoring), relationship building (mentoring, persistent offenders, cbt and parenting).

Hillyard et al (2004) argue that New Labour's hunger for 'research' is highly partial and selective. As they note in a carefully detailed article on the relationship between criminological knowledge production and the state, policies on corporate killing and deaths in the workplace have not been subject to the same type of scrutiny as more conventional 'justice' interventions. In a similar vein it could be argued that attempts to more stringently regulate the activities of the City remain relatively under-researched in comparison with the activities of young people in cities. Their argument is that the expansion of 'research' on crime and criminal justice has been of a particular nature – utilitarian i.e. research which is 'useful' to 'stakeholders' and the community, often conducted by academics within universities. This is not the same as Blunkett's earlier warning to academics that their research risks being seen as irrelevant unless it can communicate a message to policy makers and practitioners. Rather, Hillyard et al (2004) are claiming that the utility of current 'official' criminal justice research (in this case, youth justice research) is that it serves to maintain and legitimate particular definitions of 'the problem' that must be addressed. In this case, 'the problem' of 'troublesome' 'youths' (and occasionally troublesome practitioners) and how best to ensure that despite the social, economic and political conditions in which young people find themselves, it is the young people themselves that must change and adjust to their social, personal and economic conditions in order that they make more law-abiding choices in the future. In a final twist in this official tale, the partial and self-generating research into youth justice then forms the foundation of knowledge upon which policies regulating and governing the practitioners are based (and then subsequently evaluated). The performance targets, guidance on 'effective practice' and national standards that guide practitioners and against which youth justice teams are measured are set in reference to the technocratic, highly selective, partial and self-referential research agenda that monitors the policy changes and practice innovations.

Conclusion

What this chapter has not dealt with is the long history of youth justice research that indicates that one of most important variables in working with young lawbreakers is the quality of the relationship between the practitioner and the young person – a message that is continuously reinforced in the Youth Justice Board's own research ((cf Persistent Young Offenders, Mentoring) but does not form the basis of policy innovation, practice developments, performance targets or monitoring exercises. Nor does it detail the research which suggests the importance of recognising the profoundly damaging impact on young people's lives of de-industrialisation, massive youth unemployment, shifts in educational practice which have shaped and conditioned informal and formal school exclusions and so on. These wider political, economic and social conditions have been noted elsewhere (Rodgers 2008, Muncie 2008, Goldson 1997). Instead, this chapter has sought to unpick the contemporary research-policy-practice relationship. It argued that the *political rhetoric* of evidence-based policy positions research as part and parcel of the evidentiary inventory upon which policy should be based. However, in *practice* the last ten years has borne witness to the expansion of policy-based evidence where, tautologically, specific policy interventions are assessed and evaluated as 'working' and because they 'work' they then form the basis of justification and rationale for the policies and interventions implemented. In this context, youth justice research on practice and policy developments over the last ten years becomes the 'evidence' that youth justice practice and policy reforms of the last ten years have 'worked'. Importantly though, official youth justice research also forms the 'evidence' for the creation of a set of dictates about 'effective practice' which in turn underpin national standards and the very performance measures over which individual youth justice services are held to account. At the risk of repetition and as argued above, research on 'what works', by its nature and its inability to call into question the key terms of reference (i.e. youth *offender* and the primary aim of the system as being the *prevention of offending*) serves the organisational function of legitimating the massive expansion of youth justice at the same time as feeding through to form the foundations of further policy innovations (and expansionism) and the guidelines on 'effective practice' that drive the work of practitioners.

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